

(a) whether it is a fact that in the event of death or torture of a suspect in police custody, generally, the SHO and the police station involved in the case is entrusted with the investigation;

(b) if so, whether Government feel that such a procedure fails to bring out the truth and the system requires a change providing investigation into such cases by an independent agency; and

(c) if so, what procedural changes in this regard are contemplated by Government?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (c) According to Section 176 of the Code of Criminal Procedure, the nearest magistrate empowered to hold inquests shall hold an enquiry when a person dies while in the custody of the Police. Further, the Government is contemplating providing for mandatory judicial enquiry in case of death or disappearance or rape of a woman while in custody of the Police and in case of death, examination of the body within 24 hours of death.

Cases pending in trial courts

458. SHRI YADLAPATI VENKAT RAO: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of cases pending in trial courts; and

(b) whether Government propose to appoint retired judges in these courts to reduce the backlog causing problem for the litigants?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) As on 31.12.1998, about 1.34 crore criminal cases were pending in magisterial and sessions courts in the country.

(b) It is the primary responsibility of the State Government to appoint judges in trial courts in consultation with the concerned High Court. Central Government has sanctioned an amount of Rs.502.90 crore for creation of 1734 Fast Track additional courts in the Country for disposal of long pending sessions cases and other criminal/civil cases. *Adhoc* judges, including retired judges, will be appointed for these additional courts.

Payment of HRA dues by Ports

459. SHRI ANANTA SETHI: Will the Minister of SHIPPING be pleased to state: